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May. 10 2005 10:41AM

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Page 1 of 16

Date: May 10, 2005

To: Alecia D. Nelson

Fax: 703-872-9306

Phone: 703-305-0143

United States Patent and Trademark Office

From: David N. Tran

Fax: 408-765-7723

Phone: 408-765-4692

Subject:

Amendment for Application Serial No. 10/039,657

A CONFIRMATION COPY OF THIS DOCUMENT:

WILL NOT BE SENT

Application No.:

10/039.657

Filing Date:

December 31, 2001

First Named Inventor: Andrew S. Grover Group Art Unite:

2675

Examiner Name:

Alecia D. Nelson

Attorney Docket No.: P13477

Enclosures:

Transmittal Letter (1 page)

Fee Transmittal FY 2004 (1 page in duplicate) 2. 3.

Response to Office Communication (11 Pages)

Copy of Notice of Non-Compliant Amendment (1 page).

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	Application Number	10/039,657				
TRANSMITTAL	Filing Date	December 31, 2001				
FORM	First Named Inventor	Andrew S. Grover				
	Art Unit	2675				
(to be used for all correspondence after initial filling)	Examiner Name	Alocia Olano Nolson				
Total Number of Pages in This Submission 15	Attorney Docket Number	P13477				
	ICLOSURES (Check ell					
Fee Transmittal Form		After Allowance Communication to TC				
Fee Transmittal Form	Drawing(s) Licensing-related Papers	Appeal Communication to Board of Appeals and Interferences				
Amendment/Reply After Final	Petition Petition to Convert to a Provisional Application Power of Attomey, Revocation	Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) Proprietary Information				
Affidavits/declaration(s) Extension of Time Request	Change of Correspondence A Terminal Disclaimer	ddress Status Letter Other Enclosure(s) (please identify below):				
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Certified Copy of Priority Rer	marks					
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Reply to Missing Parts/ Incomplete Application Reply to Missing Parts						
under 37 CFR 1.52 or 1.53						
SIGNATURE	OF APPLICANT, ATTOR	ENEY OR AGENT				
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Signature						
Printed name	2015					
David N. Tran						
May 10, 2005	R	eg. No. 50,804				
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sufficient postage as first class mail in an envelope a	simile transmitted to the USPTO	or deposited with the United States Postal Service with Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
Signature	TO COMBINSSIONER FOR I	Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on				
- W	me					
Typed or printed name David N. Tran		Date May 10, 2005				
This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentially is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete application form to the USPTO. Time will vary depending upon the individual case. Any comments on the smount of time you require to complete this form and/or suggestions for reducing this burdon, should be sent to the Chief Information Officer, U.S. Patent and ADDRESS, SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS						
	completing the form call 1-800 o					

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Name (Print/Type) David N. Tran

Date May 10, 2005

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Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).				Application Nu	Application Number 10/038),657		
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If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50										
Sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(d) and 37 CFR 1.16(s).										
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This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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PTO/SB/17 (12-04v2)
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Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4-1-1 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT.

Г	FOLLO 1. A	wing CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT: mendments to the specification:
	Γ	A. Amended paragraph(s) do not include markings.
	Г	B. New paragraph(s) should not be underlined.
	Γ	C. Other
Γ	2. Al	estract:
	Γ	A. Not presented on a separate sheet. 37 CFR 1.72.
	Γ	B. Other
Γ	3. An	nendments to the drawings:
X(4. An	nendments to the claims:
	Γ	A. A complete listing of all of the claims is not present.
	Γ	B. The listing of claims does not include the text of all claims (including withdrawn claims)
	K	C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
	Γ	D. The claims of this amendment paper have not been presented in ascending numerical order.
	ìX.	E. Other: Unrhange is Not a proper status identifier

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <a href="http://www.uspto.gov/wcb/offices/pac/dapp/opla/preognotice/offices/pac/dapp/opla

If the non-compliant amendment is a PRELIMINARY AMENDMENT, applicant is given ONE MONTH from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this ONE MONTH time limit is not extendable.

If the non-compliant amendment is a reply to a NON-FINAL OFFICE ACTION (including a submission for an RCE), and since the amendment appears to be a bona fide attempt to be a reply (37 CFR 1.135(c)), applicant is given a TIME PERIOD of ONE MONTH from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).

If the amendment is a reply to a FINAL REJECTION, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.